

Message Text

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INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 AF-08 ARA-06 CIAE-00

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NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 USIA-06

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INFO AMEMBASSY BONN

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C O N F I D E N T I A L SECTION 1 OF 3 GENEVA 3136

DISTO

E.O. 11652: GDS

TAGS: PARM CCD US UR

SUBJECT: CCD-REVIEW AND ASSESSMENT OF ENMOD DEVELOPMENTS

AT SPRING SESSION

SUMMARY: THIS MESSAGE REVIEWS AND ASSESSES DEVELOPMENTS AT THE
SPRING SESSION OF THE CCD WITH RESPECT TO THE US-SOVIET DRAFT
CONVENTION ON ENVIRONMENTAL MODIFICATION. TWO MAJOR QUESTIONS
EMERGED FROM THE DISCUSSIONS, FIRST, DIVERGENT VIEWS WERE
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EXPRESSED ON VARIOUS ELEMENTS OF THE BASIC UNDERTAKING IN THE

CONVENTION (ART. I). WHILE THERE WERE INDICATIONS THAT A CONVENTION OF LIMITED SCOPE WOULD BE ACCEPTABLE TO MOST DELEGATIONS, SOME SPEAKERS CRITICIZED THE PROHIBITION OF THE USE OF TECHNIQUES "HAVING WIDESPREAD, LONG-LASTING, OR SEVERE EFFECTS" AS TOO LIMITED. SECOND, AND LIKELY TO BE MORE CONTENTIOUS ISSUE, WAS COMPLAINTS PROCEDURE, RELYING ON THE UN SECURITY COUNCIL, WHICH MANY DELEGATIONS CONSIDERED UNACCEPTABLE AND THE USSR CONSIDERED ESSENTIAL. DEVELOPMENT OF A COMPROMISE ON THIS SUBJECT MAY WELL BE NECESSARY FOR CONCLUSION OF NEGOTIATIONS IN 1976. ON A THIRD ISSUE, RESEARCH AND DEVELOPMENT, MANY DELEGATIONS RECOGNIZED DIFFICULTIES OF AN OUTRIGHT BAN ON R&D ON HOSTILE APPLICATIONS, BUT SOME DELEGATIONS CALLED FOR, AT A MINIMUM, PROVISIONS TO INCREASE CONFIDENCE THAT R&D IS CARRIED OUT FOR PEACEFUL PURPOSES. END SUMMARY.

1. A CROSS-SECTION OF CCD DELEGATIONS SET OUT VIEWS ON THE US-SOVIET DRAFT CONVENTION. ALL US ALLIES-UK, FRG, NETHERLANDS, ITALY, CANADA, AND JAPAN-COMMENTED IN DETAIL ON THE DRAFT, WITH VIEWS RANGING FROM NUMEROUS CRITICISMS OF SPECIFIC ASPECTS (NETHERLANDS) TO GENERAL ENDORSEMENT OF THE TEXT (CANADA). ALL ALLIES, HOWEVER, TOOK ISSUE WITH THE COMPLAINTS PROVISION (ART. V). DISSATISFACTION WITH ART. V WAS ESPECIALLY PRONOUNCED AND UNANIMOUS AMONG NONALIGNED DELEGATIONS THAT SPOKE (SWEDEN, ARGENTINA, YUGOSLAVIA, IRAN, EGYPT). ON THE SCOPE OF THE PROHIBITION (ART. I), HOWEVER, THE NONALIGNED WERE NOT UNITED AND IN SOME CASES TOOK CONTRADICTORY STANDS. MEXICO AND INDIA DID NOT DEAL WITH ENMOD IN ANY PLENARY STATEMENT. THE SOVIETS DEFENDED THE DRAFT, INCLUDING ITS SCOPE AND MOST STRONGLY ITS COMPLAINTS PROVISIONS. SOVIET ALLIES ALSO DEFENDED THE DRAFT, ALTHOUGH MOST EXPRESSED PREFERENCE FOR SOME ASPECTS OF 1974 SOVIET DRAFT. HUNGARY ENDORSED INCLUSION OF PROHIBITION ON "PREPARATIONS" FOR USE OF ENMOD AS IN THE 1975 DRAFT. POLAND JOINED NON-ALIGNED AND WESTERN DELEGATIONS IN ADVOCATING A REVIEW CONFERENCE PROVISION.

2. ART. V WAS PARTICULARLY CONTENTIOUS ISSUE IN THE NEGOTIATIONS. SWEDEN WARNED THAT IT WOULD "INSIST" ON A REVISION OF THE PROCEDURE PROVIDING FOR REFERRAL OF COMPLAINTS TO THE UN SECURITY COUNCIL FOR INVESTIGATION. THE USSR AND ITS ALLIES, AT THE OTHER POLE, WARNED THAT EFFORTS TO CHANGE

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ART. V WOULD MAKE NEGOTIATIONS MUCH MORE DIFFICULT; PRIVATELY THEY TOOK EVEN STRONGER POSITIONS. THE MAJOR OBJECTION TO THE SECURITY COUNCIL PROCEDURE IS THE POSSIBILITY THAT A PERMANENT MEMBER WILL VETO AN INVESTIGATION; VIRTUALLY ALL WESTERN AND NONALIGNED DELEGATIONS SAID THIS WOULD BE UNACCEPTABLE. SEVERAL DELEGATIONS STRONGLY ADVOCATED ESTABLISHMENT OF AN INTERMEDIATE FORUM TO CONDUCT INVESTIGATIONS OF COMPLAINTS. THE DUTCH PROPOSED GIVING THIS RESPONSIBILITY TO THE SECRETARY

GENERAL, ASSISTED BY A COMMITTEE OF PARTIES. THE FRG PROPOSED CREATION OF A "SPECIAL VERIFICATION COMMITTEE" OF PARTIES OUTSIDE THE UN. OTHERS, INCLUDING SWEDEN AND JAPAN, CALLED FOR STRENGTHENING PROVISIONS FOR COOPERATION AND CONSULTATION AND SPELLING OUT "APPROPRIATE INTERNATIONAL PROCEDURES" AND DETAILED RULES FOR EXCHANGE OF INFORMATION.

3. THE SOVIETS EMPHASIZED THAT THEY CONSIDERED ART I AND V LINKED AND THAT A CHANGE IN ART. V WOULD CAUSE THEM TO RECONSIDER THEIR SUPPORT FOR THE LIMITED SCOPE OF PROHIBITION IN ART. I. IN PRIVATE DISCUSSION US US DEL SOVIET DELOFFS WERE EVEN MORE EXPLICIT, NOTING THEY HAD ACCEPTED LIMITED SCOPE OF ART. I, AS PROPOSED BY US, IN RETURN FOR US ACCEPTANCE OF UN SECURITY COUNCIL PROVISION IN ART. V.

4. WHILE FAIRLY RIGID POSITIONS WERE TAKEN FOR AND AGAINST ARTICLE V, VIEWS ON THE MAIN OPERATIVE UNDERTAKING IN ARTICLE I WERE MORE DIVERSE AND OFTEN QUALIFIED. MOST WIDELY CRITICIZED WAS THE PHRASE "MILITARY OR ANY HOSTILE USE." SWEDEN ARGUED THAT IT WAS CONFUSING, SINCE NOT ALL MILITARY ACTIVITIES ARE NECESSARILY HOSTILE. THE UK CONSIDERED THE INTENTION BEHIND AN ACT RELEVANT, NOT THE STATUS OF THE PERSONNEL INVOLVED. THE FRG PRIVATELY EXPRESSED CONCERN THAT THE PHRASE COULD BE INTERPRETED AS EXCMPTING ENMOD USE BY PARAMILITARY FORCES AND SUGGESTED REFORMULATION TO PROHIBIT USE IN ARMED CONFLICT OF IN ANY OTHER HOSTILE MANNER. AS AN ALTERNATIVE, THE FRG AGREED WITH SWEDISH VIEW (ALSO CAHRED BY UK, CANADA, AND EGYPT) THAT THE PHRASE "HOSTILE USE" WOULD BE SUFFICIENT. THE US, USSR, AND ITALY SUPPORTED THE PRESENT TEXT EMPHASIZ- ING THE CONVENTION'S APPLICABILITY TO MILITARY USES IN ARMED CONFLICT. NONETHELESS, US AND SOVIET STATEMENTS ACKNOW- LEDGED THAT THE FULL PHRASE WAS NOT ESSENTIAL TO THE MEANING OF THE PROHIBITION. THE GDR ENDORSED THE PRESENT LANGUAGE, CONFIDENTIAL

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ADDING THE PROHIBITION OF "MILITARY USE" IMPLIED A BAN ON PREPARATIONS FOR USE AND TRAINING BY ARMED FORCES. (THE SOVIET REP ENDORSED THIS VIEW IN HIS ENMOD STATEMENT AT THE SAME PLENARY, BUT ENDORSEMENT, PRESUMABLY EXTEMPORANEOUS, WAS OMITTED FROM VERBATIM RECORD.)

5. "WIDESPREAD, LONG-LASTING, OR SEVERE." THE PHRASE RESTRICT- ING THE PROHIBITION TO TECHNIQUES "HAVING WIDESPREAD, LONG- LASTING, ORE SEVERE EFFECTS" WAS CRITICIZED MOST STRONGLY BY ARGENTINA , YUGOSLAVIA, AND THE NETHERLANDS, WITH SOME SUPPORT FROM IRAN AND EGYPT. ARGENTINA AND YUGOSLAVIA SPECIFICALLY CALLED FOR DELETION IN ORDER TO ESTABLISH A COMPREHENSIVE BAN. SEVERAL OTHERS, INCLUDING SWEDEN, UK, FRG, JAPAN, AND CANADA, SAID OR IMPLIED THAT THE RESTRICTED SCOPE WOULD BE ACCEPTABLE, BUT THAT TERMS SHOULD BE CLARIFIED AND DEFINITION

SET OUT IN AN ANNEX OR AGREED MINUTES. THE DEFINITIONS OFFERED BY THE US -WIDESPREAD" REFERRING TO AN AREA ON THE SCALE OF SEVERAL HUNDERED SQUARE KILOMETERS, ""LONG-LASTING" A PERIOD OF MONTHS OR ABOUT A SEASON, AND "SEVERE" A VERY SERIOUS DISRUPTION OF THE ENVIRONMENT CAUSING VERY SERIOUS DESTRUCTION, DAMAGE, OR INJURY-APPEARED TO IMPRESS SOME CRITICS, NOTABLY ARGENTINA, AS AN INDICATION THAT THE SCOPE OF THE CONVENTION WAS LESS RESTRICGED THAN THEY HAD THOUGHT. NONETHELESS, ARGENTINA MAINTAINED ITS CRITICISM OF THE TERMS ON THE GROUNDS

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OF THEIR SIMILARITY TO THE TERMS USED IN THE LAWS OF WAR PROTOCOLS, ARGUING THAT THE DIFFERENT DEFINITIONS USED IN THE TWO CONTEXTS WOULD CREATE DIFFICULT PROBLEMS OF INTERNATIONAL LAW. ARGENTINE REP PRIVATELY SUGGESTED THAT ANOTHER FORMULATION SHOULD BE FOUND, ONE THAT MIGHT RETURN THRESHOLD CONCEPT (ALTHOUGH AT A LOW LEVEL) BUT WOULD AVOID TERMS USED IN PROTOCOLS.

6. "STATE PARTY." POSITIONS WERE DIVIDED ON THE QUESTION OF
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RESTRICTING THE CONVENTION'S APPLICABILITY TO ACTS CARRIED OUT AGAINST ANOTHER "STATE PARTY." THE NETHERLANDS, JAPAN, YUGOSLAVIA, AND EGYPT FAVORED APPLICABILITY TO ALL STATES, SOME POINTING TO PROBLEM OF POSSIBLE SPILLOVER EFFECTS IF PARTIES WERE FREE TO USE ENMOD TECHNIQUES AGAINST NON-PARTIES. IRAN PREFERRED AN ALL-STATES FORMULA BUT RECOGNIZED THAT THIS MIGHT LEAD TO RESERVATIONS. CANADA FAVORED RESTRICTION TO STATES PARTY, AGREEING WITH US AND SOVIETS THAT ALL-STATES FORMULA WOULD REDUCE INCENTIVES FOR ADHERENCE.

7. REPRISAL, RETALIATION, SELF-DEFENSE. THE DUTCH CALLED FOR INCLUSION OF AN UNDERTAKING "NEVER UNDER ANY CIRCUMSTANCES TO RESORT" TO HOSTILE USE OF ENMOD TECHNIQUES; I.E., NOT EVEN IN REPRISAL OR RETALIATION. WITHOUT REJECTING THIS LANGUAGE, THE US AND USSR POINTED OUT THAT THE EXISTING TEXT SATISFIED THIS CONCERN BY ITS GENERAL PROVISION "NOT TO ENGAGE IN" HOSTILE USE. US AND SOVIET DELS ALSO POINTED OUT THAT CONVENTION'S PROHIBITION WOULD APPLY REGARDLESS OF WHERE ACTIVITY OF EFFECTS OCCURRED. INDIA (AND PRIVATELY YUGOSLAVIA) EXPRESSED OPPOSITION TO IDEA THAT CONVENTION WOULD PROHIBIT HOSTILE USE OF ENMOD IN SELF-DEFENSE OF A STATE'S OWN TERRITORY.

8. THREAT OF USE. MOST DELEGATIONS SUPPORTED SWEDISH PROPOSAL THAT CONVENTION PROHIBIT THREAT AS WELL AS ACTUAL HOSTILE USE OF ENMOD TECHNIQUES. JAPAN AND SWEDEN CITED ARTICLE 2 OF UN CHARTER, WHICH REFERS TO BOTH THREAT AND USE OF FORCE. ITALY CONSIDERED BAN ON THREAT USEFUL AS A FORM OF RESTRAINT ON R&D TECHNIQUES FOR HOSTILE PURPOSES, SINCE SUCH RESEARCH COULD BE CONSIDERED "INTIMIDATION." THERE WAS VIRTUALLY NO SUPPORT FOR VIEW STATED BY US AND ENDORSED BY USSR, THAT PROHIBITION OF THREAT COULD RAISE DIFFICULT PROBLEMS OF INTERPRETATION WITHOUT SIGNIFICANT BENEFIT.

9. RESEARCH AND DEVELOPMENT. ARGENTINA AND NETHERLANDS TOOK STRONG POSITIONS IN FAVOR OF PROHIBITING RESEARCH AND DEVELOPMENT OF TECHNIQUES FOR HOSTILE APPLICATIONS, WHILE HUNGARY SUPPORTED BAN ON "PREPARATIONS," UNDERSTOOD AS INCLUDING R&D. US

EXPRESSED STRONGEST OPPOSITION TO SUCH A BAN AND WAS SUPPORTED BY CANADA AND SOVIET EXPERTS. SWEDEN REMAINED SILENT ON THE QUESTION. IN GENERAL, IDEA OF BANNING R&D DID NOT GAIN MUCH CONFIDENTIAL

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SUPPORT, WITH A NUMBER OF DELEGATIONS ACKNOWLEDGING BASIC DIFFICULTY OF DISTINGUISHING BETWEEN HOSTILE AND PEACEFUL R&D ACTIVITIES. HOWEVER, SOME INTEREST WAS EXPRESSED, ESPECIALLY BY SWEDEN AND YUGOSLAVIA, IN PROVISIONS FOR EXCHANGE OF INFORMATION AND OPENESS IN ENMOD R&D. ARGENTINA WELCOMED US STATEMENT THAT US R&D IN ENMOD FIELD IS CARRIED OUT ON UNCLASSIFIED BASIS, SAYING THIS WOULD FACILITATE AGREEMENT" AND WONDERING WHY USSR HAD NOT GIVEN SIMILAR ASSURANCE.

10. ARTICLE II. VIRTUALLY ALL DELEGATIONS SUPPORTED TECHNICAL DEFINITION OF ENMOD TECHNIQUES IN FIRST HALF OF ARTICLE II. CRITICISM FOCUSED ON LIST OF EXAMPLES IN SECOND PART OF ARTICLE. VIEWS RANGED FROM SWEDISH SUGGESTION THAT LIST BE DELETED TO SUGGESTIONS FOR SPECIFIC CHANGES OR CLARIFICATIONS. FOR EXAMPLE, FRG CALLED FOR DELETION OF OCEAN CURRENT MODIFICATION AND SUBSTITUTING ALTERING RIVERS OR MODIFYING NATURAL DRAINAGE SYSTEMS, WHILE JAPAN CALLED FOR ADDING CHANGES IN DISTRIBUTION OF ICE AND SNOW MASSES ON LAND AND OCEANS. ARGENTINA PRIVATELY STATED THAT TECHNIQUES LISTED IN PRESENT ARTICLE II SEEMED ONLY WITHIN REACH OF MOST TECHNICALLY ADVANCED STATES AND EXPRESSED VIEW THAT ADDITIONAL TECHNIQUES BE ADDED THAT LESS DEVELOPED STATES COULD CONCEIVABLY PRACTICE, IN ORDER TO GIVEN THEM GREATER SENSE OF PARTICIPATION IN TREATY REGIME. MANY DELEGATIONS SAID THAT ALL EXAMPLES CITED IN ARTICLE II SHOULD BE REGARDED AS COMPLETELY PROHIBITED.

11. ARTICLE III WAS CONSIDERED UNNECESSARY BY SWEDEN AND POTENTIALLY PREJUDICIAL IN IMPLYING THAT ANY PEACEFUL APPLICATION WAS PERMITTED WITHOUT ANY CONSTRAINT. PREFERRING DELETION OF THE ARTICLE ALTOGETHER, SWEDEN INDICATED WILLINGNESS TO ACCEPT MODIFICATION OF PHRASE "SHALL NOT HINDER" TO "DO NOT APPLY TO." OTHERS ADDRESSING THIS QUESTION GENERALLY SUPPORTED THIS CHANGE. ALTHOUGH SOVIETS AND THEIR ALLIES MAINTAINED THAT PRESENT WORDING WAS APPROPRIATE, SOVIETS SAID PRIVATELY USSR COULD ACCEPT "NOT APPLY TO."

12. ARGENTINA CONTINUED TO INSIST, WITH SUPPORT FROM EGYPT, THAT CONVENTION INCLUDE PROVISION SIMILAR TO ARTICLE X (1) OF BIOLOGICAL WEAPONS CONVENTION ESTABLISHING RIGHT AND OBLIGATION TO COOPERATE IN EXCHANGE OF INFORMATION ON AND EQUIPMENT FOR CONFIDENTIAL

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PEACEFUL APPLICATIONS OF ENMOD. ARGENTINA REJECTED US ARGUMENT THAT COMMITMENT TO PROMOTE PEACEFUL USES WOULD BE PREMATURE IN VIEW OF EARLY STAGE OF DEVELOPMENT OF ENMOD TECHNIQUES. ARGENTINE REP REFERRED TO 1971 US STATEMENT THAT ARTICLE X OF BWC DID NOT IMPOSE OBLIGATION TO TAKE SPECIFIC ACTION, AND SUGGESTED THAT US COULD MAKE SIMILAR STATEMENT IN EXPLANATION OF SIMILAR PROVISION IN ENMOD CONTEXT. ON OTHER HAND, NETHERLANDS SHARED US OPPOSITION TO SUCH A PROVISION.

13. ARTICLE IV. DUTCH EXPRESSED SERIOUS CONCERN OVER INCLUSION OF ARTICLE IV, WITH ITS IMPLICATIONS THAT SPECIFIC NATIONAL MEASURES ARE NECESSARY FOR IMPLEMENTATION OF CONVENTION. THEY CITED DOMESTIC DIFFICULTIES RESULTING FROM SIMILAR PROVISION IN BW CONVENTION THAT HAVE SO FAR IMPEDED DUTCH RATIFICATION OF THAT CONVENTION. JAPAN STRESSED NEED FOR CLARITY IN DEFINING PROHIBITION FOR PURPOSES OF IMPLEMENTING ARTICLE IV, AND ITALY THOUGHT ARTICLE SHOULD NOT BE SO "RIGID."

14. ARTICLE VI RECEIVED LITTLE COMMENT. CANADA SUGGESTED AMENDMENTS ENTER INTO FORCE FOR THOSE THAT ACCEPT THEM UPON APPROVAL OF MAJORITY OF PARTIES. UK SAID AMENDMENTS SHOULD REQUIRED AT LEAST 10 SPONSORS AND ENTER INTO FORCE WHEN APPROVED BY TWO THIRDS OF ORIGINAL SIGNATORIES.

15. ARTICLE VII, BIII, AND IX RECEIVED NO SIGNIFICANT COMMENT DURING THE SPRING SESSION, ALTHOUGH ITALY JOINED AUSTRALIA IN ADVOCATING THAT THE UN SYG BE MADE DEPOSITARY.

16. REVIEW CONFERENCES. ARGENTINA, CANADA, EGYPT, IRAN, JAPAN, NETHERLANDS, POLAND (IN INFORMAL MEETING), UK AND YUGOSLAVIA ALL CALLED FOR PROVISION FOR PERIODIC REVIEW CONFERENCES. CANADA AND UK SUGGESTED THAT REVCONS BE CONVENED ON REQUEST OF MAJORITY OF PARTIES. UK SUGGESTED MINIMUM 3-YEAR INTERVAL; UK AND CANADA SUGGESTED 10-YEAR MAXIMUM BETWEEN REVONS.

17. PREAMBLE. ARGENTINA, CANADA, FRG, ITALY, EGYPT, AND IRAN MADE FAIRLY UNCONTROVERSIAL PROPOSALS FOR AMENDMENTS IN THE PREAMBLE. MOST CALLED FOR SPLITTING THIRD PREAMBULAR PARA

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INTO TWO, ONE DEALING WITH POSSIBLE BENEFITS OF ENMOD,
THE SECOND RECOGNIZING DANGERS OF HOSTILE APPLICATION. SEVERAL
NOTED INCONSISTENCY BETWEEN PHRASE "MILITARY USE" IN THIRD
PREAMBULAR PARA AND "MILITARY OR ANY OTHER HOSTILE USE" IN
TITLE AND ARTICLE I. ARGENTINA AND EGYPT CALLED FOR REFERENCE
IN PREAMBLE TO GENERAL AND COMPLETE DISARMAMENT, AND ARGENTINA,
SUPPORTED BY IRAN, ALSO CALLED FOR REPLACEMENT OF WORD "LIMIT"
(DANGER) BY "ELIMINATE" IN PREAMBULAR PARA 4.

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18. ASSESSMENT. WITH EXCEPTION OF ARTICLE V, THE DRAFT WAS
GENERALLY WELL RECEIVED AS A BASIS FOR NEGOTIATION AND WIDELY
REGARDED AS A SOUND APPROACH TO THE PROBLEM. MOST DELEGATIONS
AVOIDED RIGID POSITIONS OR CONFRONTATION, AND EVEN THE STRONGEST
CRITICS TENDED TO QUALIFY THEIR VIEWS TO PRESERVE FLEXIBILITY ON
KEY ISSUES, INCLUDING THE SCOPE OF PROHIBITION. ALTHOUGH FIRM
POSITIONS WERE EXPRESSED ON SOME QUESTIONS IN PRIVATE AND IN

INFORMAL MEETINGS, FEW OF THESE SURFACED IN FORMAL STATEMENTS. OVERALL, THE VIEWS EXPRESSED AT THE SPRING SESSION INDICATE THREE MAJOR AREAS ON WHICH THE MOST DIFFICULT NEGOTIATIONS ARE LIKELY TO FOCUS.

19. AS INDICATED ABOVE, A KEY ISSUE APPEARS TO BE ARTICLE V, AND IN PARTICULAR THE ROLE OF THE SECURITY COUNCIL. THE POWER OF PERMANENT SC MEMBERS TO VETO INVESTIGATIONS APPEARS UNACCEPTABLE NOT ONLY TO THE NON-ALIGNED BUT TO SEVERAL OF OUR ALLIES. MANY DELEGATIONS ARE CONCERNED THAT ACQUIESCENCE IN THIS PROCEDURE, FOLLOWING THE PRECEDENT OF THE BW CONVENTION, WOULD MAKE IT EVEN MORE DIFFICULT TO DEVELOP SATISFACTORY VERIFICATION PROVISIONS IN THE CONTEXT OF OTHER AGREEMENTS, SUCH AS A CW BAN, WITH MORE IMMEDIATE AND SERIOUS IMPLICATIONS FOR NATIONAL SECURITY. CRITICS, IN EFFECT, OFFERED THE POSSIBILITY OF RETAINING THE SECURITY COUNCIL PROCEDURE WITH SOME FORM OF INSURANCE THAT NO INVESTIGATION OF A COMPLAINT WOULD BE VETOED OR, FAILING SUCH INSURANCE, THE DELETION OF THE PROCEDURE ALTOGETHER. IT IS NOT CLEAR, HOWEVER, THAT EVEN A VETO PROOFED SC PROCEDURE WOULD BY ITSELF BE SUFFICIENT. MANY DELEGATIONS ARGUED THAT, EXCEPT IN THE GRAVEST OF CIRCUMSTANCES, STATES WOULD BE INHIBITED BY THE SERIOUSNESS OF PLACING A COMPLAINT BEFORE THE SC. THEY CLEARLY CONSIDERED IT IMPORTANT TO HAVE RECOURSE TO A POLITICALLY LESS PROMINENT MECHANISM. IN THIS CONNECTION, THE IDEA OF A VERIFICATION COMMITTEE AS SUGGESTED BY THE NETHERLANDS AND FRG PROMPTED MOST INTEREST. AT THE VERY LEAST, MORE EXPLICIT SPECIFICATION IN SOLVING PROBLEMS APPEARS ESSENTIAL. UNLESS SOME SIGNS OF MOVEMENT OF THESE ISSUES APPEAR ONLY IN SUMMER SESSION, PROSPECTS FOR CONCLUSION OF NEGOTIATIONS DURING 1976 APPEAR DOUBTFUL.

20. THE SECOND MAJOR AREA THAT REQUIRES REVIEW IN LIGHT OF DEVELOPMENT AT SPRING SESSION IS ARTICLE I. STRONGEST PRESSURES ARE LIKELY TO BE FOR USE OF PHRASE "HOSTILE USE"; FOR PROHIBITION

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OF THREAT AND USE OF TECHNIQUES "HAVING OR WHICH MAY BE EXPECTED TO HAVE" CERTAIN EFFECTS; AND PERHAPS FOR DELETION OF "PARTY." AS FOR "WIDESPREAD, LONG-LASTING, OR SEVERE" FORMULA, MOST MEMBERS APPEAR WILLING TO ACCEPT CONCEPT OF A THRESHOLD, IF SUFFICIENTLY LOW, ALTHOUGH IT MAY BE NECESSARY TO REFORMULATE THRESHOLD LANGUAGE OR INCORPORATE DEFINITIONS (IN CONVENTION, ANNEX, OR NEGOTIATING RECORD) IN ORDER TO GAIN SUPPORT OF SOME IMPORTANT NON-ALIGNED. SOVIET EXPERT FEDEROV, HOWEVER, HAS CAUTIONED AGAINST TRYING TO ADOPT PRECISE DEFINITIONS OF TERMS, AND SOVS MAY HAVE RESERVATIONS ABOUT PUTTING DEFINITIONS IN LEGAL INSTRUMENT.

21. THE THIRD MAJOR PROBLEM CONCERNS THE TREATMENT OF RESEARCH AND DEVELOPMENT AND, MORE BROADLY, THE RELATIONSHIP BETWEEN THE

CONVENTION AND PEACEFUL USES OF ENMOD. ALTHOUGH OUTRIGHT PROHIBITION OF R AND D FOR HOSTILE PURPOSES DOES NOT APPEAR TO COMMAND SUFFICIENT SUPPORT TO MAKE IT A CRITICAL ISSUE, IT MAY BE NECESSARY TO INCORPORATE SPECIAL PROVISION--IN ESSENCE CONFIDENCE-BUILDING MEASURES--FOR THE CONDUCT OF LARGE SCALE ENMOD RESEARCH AND EXPERIMENTAL ACTIVITIES. IN ADDITION, PRESSURES ARE LIKELY TO INCREASE AMONG THE NON-ALIGNED FOR INCLUSION OF SOME TYPE OF PROVISION, LIKE ARTICLE X OF BW CONVENTION, FOR INTERNATIONAL COOPERATION IN PEACEFUL USES OF ENMOD.

22. DEL BELIEVES IT WOULD BE USEFUL DURING COMMITTEE'S RECESS TO HOLD CONSULTATIONS WITH SOVIETS--IN WASHINGTON, MOSCOW, OR PERHAPS GENEVA--IN ORDER TO DISCUSS POSSIBLE ALTERATIONS IN ENMOD DRAFT AND TACTICS FOR HANDLING NEGOTIATIONS DURING SUMMER SESSION. WE BELIEVE, AND SOVIET DEL SEEMS TO AGREE, THAT IT WOULD NOT BE ADVISABLE TO TABLE REVISED DRAFT AT START OF SUMMER SESSION. HOLDING OFF ON ANY REVISED TEXT UNTIL LATER IN SESSION--AFTER DETAILED DISCUSSIONS HAVE BEEN HELD IN INFORMAL WORKING BODY--WOULD, IN OUR VIEW, GIVE CCD MEMBERS GREATER SENSE OF PARTICIPATION IN NEGOTIATIONS AND INCREASE PROSPECTS FOR BROAD SUPPORT OF TREATY. WE FURTHER BELIEVE IT WOULD BE DESIRABLE TO HOLD CONSULTATIONS WITH SOVIETS AS FAR IN ADVANCE OF OPENING OF SUMMER SESSION AS POSSIBLE.
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